



February 11, 2005

Sen. John Cornyn
517 Hart Senate Office Building
Washington, D.C. 20510

Dear Sen. Cornyn:

Insuring the continuance of our Republican liberty depends upon maintaining the right of the people to know as much as possible about what their government is doing in order to hold the public officials and employees accountable.

Protecting this accountability tool grows ever more important as the power of the federal government continues its historic growth, with its attendant tendency continually to become more and more resistant to genuine transparency. That is why a healthy Freedom of Information Act is so vital.

But while the federal government has grown exponentially since passage of the FOIA in 1966, the law's effectiveness has steadily declined as politicians and career bureaucrats with a shared interest in avoiding accountability have become increasingly skilled at exploiting loopholes, creatively interpreting administrative provisions and relying upon the paucity of legal resources available to many requestors to avoid satisfying either the letter or spirit of the statute.

Indeed, the National Security Archive's 2003 survey that found an FOIA system "in extreme disarray." The Archive found that "agency contact information on the web was often inaccurate; response times largely failed to meet the statutory standard; only a few agencies performed thorough searches, including e-mail and meeting notes; and the lack of central accountability at the agencies resulted in lost requests and inability to track progress."

I believe the comprehensive package of reforms contained in "The Open Government Act of 2005" would go far in restoring the effectiveness of the FOIA as an accountability tool for the people in dealing with their government.

We must remember that transparency and accountability are the strongest antidotes to the inevitable abuses of Big Government and are thus essential guarantors of every individual's liberty and prerequisites for the maintenance of our common security.

Sincerely,

Mark Tapscott
Director,
Center for Media and Public Policy
The Heritage Foundation